

**MINUTES OF THE  
INFRASTRUCTURE AND GENERAL GOVERNMENT  
APPROPRIATIONS COMMITTEE**

Weber State University, Stewart Football Stadium, 2701 University Circle, Ogden, UT 84408  
September 13, 2013

Members Present:            Sen. Wayne A. Harper, Co-Chair  
                                 Rep. Gage Froerer, Co-Chair  
                                 Sen. David P. Hinkins  
                                 Sen. Scott K. Jenkins  
                                 Sen. Peter C. Knudson  
                                 Sen. Karen Mayne  
                                 Sen. Kevin T. Van Tassell  
                                 Rep. Johnny Anderson  
                                 Rep. Kay J. Christofferson  
                                 Rep. Lynn N. Hemmingway  
                                 Rep. John R. Westwood

Members Absent:            Rep. Jacob L. Anderegg, House Vice Chair  
                                 Sen. Lyle W. Hillyard  
                                 Sen. Evan J. Vickers  
                                 Rep. Janice M. Fisher  
                                 Rep. John Knotwell  
                                 Rep. Douglas V. Sagers  
                                 Rep. R. Curt Webb

Staff Present:                Mr. Mark Bleazard, Fiscal Analyst  
                                 Mr. Gary K. Ricks, Fiscal Analyst  
                                 Ms. Cami Deavila, Secretary

**Note:** A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Co-Chair Froerer called the meeting to order at 9:09 a.m.

**1. Presentation by Ogden City and Weber County**

Mr. Kerry Gibson, Weber County Commissioner, stated the importance of the Weber Valley Detention project.

Mr. Chris Roach, Deputy Director, Division of Juvenile Justice Services, stated the goal of rehabilitating juvenile offenders back to society. The Weber County Multiuse Youth Center will consolidate six programs into one building reducing overhead, maintenance, and administrative costs by \$390,000 annually. The current detention center does not meet building standards, is not conducive to effective rehabilitation, and poses life safety issues for staff. The new building will also help meet the needs of expected population growth.

Rep. Christofferson asked if the new building would house two occupants per room. Mr. Roach stated there would be one occupant per room. Rep. Christofferson asked if the facility would be used to capacity because of budget cuts. Mr. Roach stated the building would be utilized to capacity because of combining the six programs into one building.

Rep. Hemmingway asked where overflow detainees are held. Mr. Roach stated at the Farmington Bay Youth Center. Rep. Hemmingway asked if Farmington Bay would close with the opening the new building. Mr. Roach stated Farmington Bay would remain open, but demand would be alleviated.

Sen. Knudson asked if services were provided any farther north than Box Elder County. Mr. Roach stated the building would serve Weber, Morgan, and Davis Counties.

Mr. Roach estimated the cost of the new building rose from \$12 million to just over \$15 million.

Rep. Westwood asked about the \$3.5 million cost increase for the building. Mr. Roach stated the costs are associated with DFCM overhead. Mack McDonald, Director, Regional Operations, Department of Health and Human Services, stated DFCM took the plans for the Hurricane facility and adjusted the cost for this area.

Co-Chair Froerer asked if square footage would stay the same. Mr. Roach stated yes.

Mr. Roach stated the building model is the same as other buildings in rural areas, but on a larger scale.

Co-Chair Froerer asked for an explanation on the estimated overhead savings. Mr. Roach stated there are state properties that will be repurposed by Division of Facilities Construction and Maintenance (DFCM) and leases will be closed because of the consolidation. The consolidation will allow a reduction in food, maintenance, and full time equivalent costs, and not as many fleet vehicles will be needed.

Mr. Mike Ashment, Police Chief, Ogden City Police, addressed problems the current facility has; it is nearly 50 years old and not up to safety standards. The building has been on the agenda for 11 years and a decision needs to be made.

Co-Chair Froerer asked for the number and type of juveniles dealt with. Mr. Ashment stated about three youth per day that have committed felony crimes. If juveniles can be dealt with up front appropriately, the number in the adult system diminishes.

Rep. Hemmingway asked how long the average stay is. Mr. Roach stated five to seven days. The court can order up to 30 days and some times can be up to a year.

Sen. Harper asked what number the building is on the Building Board's priority list.

Mr. Greg Buxton, Management Services Director, Ogden City, stated the building has been on the priority list for 11 years and has only been in the top ten once.

Co-Chair Froerer asked if the project had been presented to the Building Board. Mr. Buxton stated the Building Board visited the site three weeks ago.

Sen. Mayne stated her support for the project.

Sen. Knudson asked if there is a revolving door with this type of youth. Mr. Roach stated most juveniles don't return, however, there is a small percentage that penetrate the justice system deeply and go to secure care confinement. The new facility will be focused on front-end services.

Mr. Terry Thompson, Weber County Sheriff, added that in the end it is about the safety and security of the community. The current facility requires one to two officers be taken off patrol to transport juveniles to other facilities. Sheriff Thompson stated Weber County is doing what it can to facilitate the project.

Rep. Hemmingway asked if the county owns the property and what the cost was for the property. Sheriff Thompson answered the county is in the process of buying the six acre property for just over \$1 million.

Co-Chair Froerer asked if the county would purchase the property even if the building were not approved. Sheriff Thompson stated the county would have a site for the future.

## **2. GOMB Success Training**

Mr. Jeff Mulitalo, Operational Excellence Team, Governor's Office of Management and Budget Office (GOMB), gave an overview of the GOMB Success Framework program helping Utah public services deliver value and demonstrate excellence. The program has made considerable progress in setting measurable goals and using thinking tools and principles.

Rep. Christofferson asked if the agencies pick their own measurements. Mr. Mulitalo stated GOMB assists in defining the measures and setting a timeline for completing the different measures. Rep. Christofferson asked if all agencies have a plan. Mr. Mulitalo stated most agencies have varying stages of drafts.

Mr. Mulitalo continued with an explanation of the Success Framework.

Sen. Mayne asked if the goal was to get rid of people and programs to save money, to find efficiencies in the program to save time and money. Mr. Mulitalo stated the goal of the program is to help agencies deal with increasing demands, eat into backlog to get caught up, increase capacity, and recognize agencies that do good work.

Mr. Mulitalo gave an overview of the throughput operating strategy, control point, and blue light.

Rep. Christofferson stated most agencies do not know what their true expenses are and could provide every department a quarterly financial statement. Mr. Mulitalo stated the Operational Excellence team assists agencies in putting together a financial statement. Rep. Christofferson asked if it was available for the committee. Mr. Mulitalo stated the committee could request the documents.

Rep. Hemmingway asked about the belief that speed equals quality. Mr. Mulitalo stated speed doesn't cause quality. As agencies multi task less, more tasks get done at a quicker rate.

Co-Chair Froerer asked what steps are being taken for agencies to implement and take the program seriously. Mr. Mulitalo stated agencies put together and implement the plan; Operational Excellence teams work directly with the agencies to facilitate progress. Co-Chair Froerer asked if the program had been receptive. Mr. Mulitalo stated the Operational Excellence teams help agencies see how the Success Framework helps them.

Sen. Harper asked when the program would be completed. Mr. Mulitalo stated it depends on how completion is defined. The goal is to have 25 percent improvement by January 2017 and retain the gains.

### **3. DTS Security Issues Status**

Mr. Mark VanOrden, Chief Information Officer, Department of Technology Services (DTS), stated cyber attacks are increasing, about 75-100 million per day. Mr. VanOrden spoke about the department's Success Framework.

Mr. Tim Hastings, Chief Information Security Officer, Department of Technology Services, stated DTS has put a Security Operations Team in place at the network operations center that monitors cyber traffic 24/7. The DTS budget has increased \$6.5 million for additional security. DTS recently classified all data to understand where sensitive data is and give it a higher level of security, including layers of protection. All data is not treated the same. Senate Bill 20 required a security audit be completed every two years, which will begin in 2015. A Security Council has been created made up of executive directors who create security policy and procedure for the State.

Sen. Van Tassell asked if security is at the same level in all agencies. Mr. VanOrden stated DTS works with all executive agencies. Sen. Van Tassell asked if there was a higher level of security on all data systems than two years ago. Mr. VanOrden stated absolutely. Sen. Van Tassell asked if all agencies are required to meet DTS standards of security. Mr. VanOrden stated there are some statewide security policies and some recommendations. Sen. Van Tassell asked what happens to an agency that does not follow the recommended protocol. Mr. VanOrden stated DTS helps agencies understand security threats and offers potential solutions. Sen. Van Tassell stated his concern over security issues.

Co-Chair Froerer asked if DTS is aware of any identities that may have been compromised because of the data breach. Mr. VanOrden stated there has been four reported but believe there is

no connection to the DTS breach 18 months ago. Co-Chair Froerer asked if there would have been fraudulent activity by now based on the time frame. Mr. Hastings stated he believed the data would have been used.

Co-Chair Froerer called for a break at 10:34 a.m. He reconvened the meeting at 10:52 a.m.

#### **4. DFCM**

##### **a. DFCM Division Restructure, Introduction of new DFCM Director Joshua Haines**

Ms. Kim Hood, Executive Director, Department of Administrative Services (DAS), gave an overview of the DAS mission, goals, and vision. Ms. Hood gave an overview of the DFCM restructuring.

Mr. Rich Amon, Deputy Director, DAS, presented the three keys of DFCM: transparency, accountability, and partnership. Space use is also a key issue that needs to be examined. Mr. Amon introduced Mr. Josh Haines, the new director of DFCM.

Mr. Josh Haines, Director, DFCM, introduced himself to the committee. DFCM would like to achieve a higher level of energy efficiency.

Co-Chair Froerer stated his support of the DFCM restructuring.

##### **b. Progress of Prioritization Process of Capital Improvement Funding**

Mr. Ned Carnahan, Chair, State Building Board, introduced the State Building Board and gave an update on the new prioritization process.

Mr. Jeff Reddoor, State Building Board Manager, presented an update on the recommendation to create a prioritization scoring process that models the Utah Department of Transportation. Mr. Reddoor gave an overview of the current prioritization process and an overview of the new scoring process that includes five steps based on need of individual projects.

Sen. Mayne asked about change orders and revisiting a construction project to make sure it is a quality building. Mr. Reddoor stated the building goes to DFCM for oversight of the project once the building has been funded. Mr. Carnahan added that on occasion the Building Board asks for a progress report.

Mr. Carnahan spoke to the practice of letting agencies keep money that was saved on a project to spend on a different project.

##### ***Building Board Allocation of Capital Improvement Funds***

Mr. Carnahan gave an overview of the State Building Board FY 2014 Capital Improvement allocation of \$87,700,000. Higher Education received \$51,561,000, which is 63 percent of the

allocation. Other State agencies received \$31,139,000, which is 38 percent of the allocation. FY14 is an increase over the FY13 allocation of \$71,739,000.

Mr. Reddoor stated there are 31 Building Board project requests for development, totaling \$610 million. The Board is gathering information to start the scoring process on these projects.

Mr. Carnahan presented the prioritization process for Capital Improvement Funding.

### **c. Capital Development Phase Funding**

Mr. Carnahan stated phase funding revolves around the process of funding in the three steps of project programming, design development, and construction. The down side to phase funding is that it sets expectations for funding for future years.

Mr. Chip Nelson, Board Member, State Building Board, stated the need for an understanding between the Board and the Legislature on the process of phase funding projects.

Co-Chair Froerer asked if the Board had taken a position on phase funding. Mr. Carnahan stated the Board has no position. Co-Chair Froerer stated the committee would value the Building Board's opinion on phase funding. Mr. Carnahan stated the Board would need to schedule a meeting to discuss the issue.

Rep. Anderson asked for an explanation on what the concern is with phase funding. Mr. Carnahan stated for some projects phase funding is the best option for funding the project and for other projects to fund one time. If money is allocated to the project in one year there is an expectation that funding will be given in future years. The Board would like a process put in place for decisions to be made on projects that come before the Building Board.

Co-Chair Froerer stated the committee is making a promise that may not be kept. Mr. Carnahan stated priorities for projects can change even when partial funding has been given. The programming and design can take several years and sometimes more money is needed to go back and review the project for various reasons. Mr. Nelson stated programming is expensive and if the building doesn't get built, the money is wasted.

Sen. Mayne stated the need to get rid of politics in the process and stated her support for cohesiveness among the Building Board and the Legislature.

Sen. Jenkins stated the need for a cohesive process in prioritizing building projects and frustration when legislative leadership shuffles the list the committee decided on. The prioritization doesn't mean anything, but ranking means everything. Mr. Nelson added his frustration to Sen. Jenkins that the prioritization list gets changed dramatically from the committee decision to what actually gets funded. The Building Board will be redoing the way projects are ranked. Mr. Carnahan stated his support for changes to the ranking process.

Co-Chair Froerer stated his support of Sen. Jenkins' statement and the need for changes to the ranking and prioritization process.

Rep. Westwood asked why there is a ranking list and a prioritization list, not just one list. Mr. Nelson stated the ranking process ranks buildings on certain elements to give them a score, which is a good guideline. The prioritization process includes more of the building needs because the Board and the committee see the buildings first hand.

#### **d. Facilities Condition and Assessment Audits**

Mr. Reddoor stated 22 million square feet, which is about 594 buildings, have been visited since 2012 out of about 3,000 state owned buildings and 52 million square feet. The requirement is 90 percent compliance to standards; the State is at about 89.7 percent. The assessment audit looked at the deficiencies of the State's assets in a ten-year window. Since 2011 9.8 million square feet have been looked at. The increase in funding will allow 7.5 million square feet to be looked at in 2013. This will help determine needs versus wants. The replacement value of the 9.8 million square feet already audited is \$2.7 billion, with \$81 million in capitol improvement deficiencies.

Mr. Nelson added that correcting deficiencies early is better than correcting them later. Increasing personnel to help with the audit workload is needed and will catch deficiencies earlier.

Co-Chair Froerer called for a break at 12:09 p.m. He reconvened the meeting at 12:40 p.m.

#### **e. Use of Space Vacated When a New Facility Comes Online**

Mr. Amon stated the total square feet of state owned space is 52,743,705 for a total value of just over \$9 billion in building assets. The base for O&M is \$41.7 million. The base O&M is currently funded at .05 percent and needs to be gradually raised back to .09 percent.

Rep. Anderson asked what determines the base O&M rate. Mr. Bleazard stated the base is determined by funds that were available the previous year.

Co-Chair Froerer added that some of the O&M appropriation is one-time money.

Mr. Bruce Whittington, Assistant Director, DFCM Space Use, stated vacated space used to be filled on a first come first serve basis. The process has changed to current and future space needs for individual agencies. Mr. Whittington spoke to the items asked for to determine the space prioritization process to better utilize vacated space. Mr. Whittington stated the DFCM Success Framework goals based on quality throughput, and operating expenses.

Co-Chair Froerer asked when vacated space data would be available. Mr. Whittington replied shortly. Co-Chair Froerer asked when leased space versus owned space would be analyzed. Mr. Amon stated DFCM is looking in to when it is beneficial to purchase the building versus continuing to lease.

#### **f. Update on Ogden Juvenile Justice Building**

Mr. Haines stated the Ogden Courts building would begin construction in a month and the State Hospital will be complete in April 2014. Mr. Haines presented the status of current construction projects.

Sen. Harper asked about the status of the State Lab and SWATC Technical building. Mr. Amon stated the lab is in the design phase and SWATC in Cedar City has not been funded.

Mr. Haines gave an overview of completed projects including the Tooele ATC, SLCC administrative building, SLCC Center for New Media, Payson and Ivins Veterans Nursing Homes, and the Weber State Davis Campus.

Mr. Jim Russell, DFCM, stated cost projections for the Brigham City ATC, Weber Science building, and USU in Price. He stated costs are going up across the board. Mr. Amon stated the Building Board would have a construction budget estimate in October.

Mr. Kevin Hansen, Associate Vice President, Facilities Management, Weber State University, stated the estimated cost for the science lab building is \$74.6 million. The request for state funding will remain at \$57.4 million. The building is currently in the design phase.

#### **5. Implementation of Facilities Condition Assessments by Weber State University**

Mr. Brad Mortensen, Vice President, Weber State University, introduced the Weber Science Lab Building.

Co-Chair Froerer asked Mr. Mortensen for his opinion on the Building Board's ranking process. Mr. Mortensen stated there is a place for a quantitative scoring process; however not sticking to rankings on a spreadsheet is also essential.

Mr. Mark Halverson, Campus Planning, Weber State University, gave an overview of the Weber State University Science Building. The building is in the design process and will be shovel ready by spring. Mr. Halverson stated the safety hazards involved with the current building. The current infrastructure would not allow for needed upgrades. Mr. Halverson presented the design of the new building. The actual cost of the building has gone up, WSU is seeking donations to cover the extra costs.

Sen. Van Tassell asked why there was not an increase in square footage and if the new building is that much more efficient. Mr. Halverson stated faculty was asked to utilize space to its maximum capacity and the building will have space with multiple functions.

Rep. Anderson asked if the building was scaled back because prices went up. Mr. Halverson stated the building was both scaled back and costs increased.



Mr. Halverson talked on the process WSU uses to decide capital improvement projects and the importance of DFCM oversight.

Co-Chair Froerer adjourned the meeting at 1:09 p.m.

## **6. Lunch at Weber State University**

## **7. Facilities Tour of Weber State University**

Members present included Co-Chair Froerer, Sen. Harper, Sen. Knudson, Rep. Westwood, and Rep. Christofferson. Mr. Halverson showed the committee phase one and two of the new parking structure and improvements on the stairs to the Dee Event Center.

Sen. Knudson asked if WSU's student housing capacity was adequate or if additional housing was needed. Mr. Halverson stated the housing on campus is about right.

Mr. Halverson showed the committee buildings three and four that will be torn down for the new science lab building.

Mr. Dave Matty, Dean of College of Math and Science, Weber State University, took the committee on a tour of the geology faculty offices, microbiology lab, geo science lab, geo science major room, and the DNA lab.

## **8. Facilities Tour of USU/Brigham City Campus**

Members present included Co-Chair Froerer, Sen. Harper, Sen. Knudson, Rep. Christofferson, and Rep. Westwood.

Mr. Tom Lee, Dean and Executive Director, Utah State University-Brigham City Campus, stated the planning and design is complete for the USU-Brigham City Campus. An architect has been chosen and the building will be ready for bidding in February. The request is for \$7 million.

Co-Chair Froerer asked if the state owns the adjacent property and what the plans are for the property. Mr. Lee stated there is 11 acres adjacent and it is not being used. Co-Chair Froerer asked if it could be sold. Mr. Lee stated it is a possibility. Rep. Menlove and Sen. Harper added their support to the idea.

The committee along with Rep. Menlove and Mr. Lee toured the future USU Brigham City campus site.

Minutes were reported by Cami Deavila, Senate Secretary.